

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2350

Introduced by Assembly Member O'Donnell

February 18, 2016

An act to ~~amend Section 313 of~~ *add Article 5.5 (commencing with Section 60080) to Chapter 1 of Part 33 of Division 4 of Title 2 of the Education Code, relating to English learners.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2350, as amended, O'Donnell. ~~English learners: English language proficiency assessment.~~ *learners.*

Existing law requires the State Board of Education to adopt curriculum frameworks and evaluation criteria that are aligned to specified content standards for English language arts on or before July 30, 2014.

This bill would define the terms “designated English language development” and “integrated English language development” for purposes of the English Language Arts/English Development Framework adopted by the state board, as specified. The bill would state that a middle or high school pupil who is enrolled in an English language development course or is classified as an English learner shall not be prevented from enrolling in specified other courses required for graduation or in courses that meet specified college admission standards, and would require credit toward graduation to be conferred for courses designed for long-term English learners. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program. The bill would require the State Department of Education to contract for the development of a video

series demonstrating best practices for implementing designated and integrated English language development, and to make the video series available for use by local educational agencies.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires each school district that has one or more pupils who are English learners and, to the extent required by federal law, each county office of education and each charter school, to assess the English language development of each of those pupils in order to determine their level of proficiency. Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient. Existing law requires that the assessment primarily use the English language development test identified or developed, or developed or acquired, by the Superintendent pursuant to a specified statute.~~

~~This bill would delete English language development tests that are identified or acquired, but not developed, from tests that may be used by the assessment referenced above. The bill would also make nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(a) California is home to the largest population of English*
- 4 *learners in the country, and one in three English learners in the*
- 5 *United States resides in California.*
- 6 *(b) There are approximately 1.4 million English learners in*
- 7 *California public schools. About 2.7 million pupils speak a*
- 8 *language other than English in their homes, representing about*
- 9 *43 percent of the state's public school enrollment.*

1 (c) California’s English learner pupils score substantially lower
2 on state assessments than non-English learner pupils. While there
3 has been incremental growth in achievement among pupils in the
4 general population, scores for English learners have largely
5 remained static, widening the achievement gap between English
6 learners and their peers over time.

7 (d) On the 2015 administration of the California Assessment of
8 Student Performance, 11 percent of English learners in all grades
9 met or exceeded standard in English language arts/literacy and
10 11 percent in math, compared with 69 percent and 55 percent for
11 those subjects, respectively, for pupils proficient in English.

12 (e) The English Language Arts/English Language Development
13 Framework adopted by the State Board of Education in 2014
14 represents an important state endorsement of the use of both
15 designated English language development and the integration of
16 English language development across the curriculum. This
17 combined approach will require major changes in teaching and
18 learning for all pupils, including English learners, and there is a
19 need for training for, and technical assistance to, teachers and
20 administrators on implementing these instructional reforms.

21 (f) Recent research has found that English learners are less
22 likely than non-English learners to be enrolled in core academic
23 subject courses and, as a result, earn fewer credits than
24 non-English learner pupils. Research has further found that limited
25 access to English language arts is largely due to English language
26 development classes being used as substitutes for, rather than
27 complements to, English language arts, and due to the enrollment
28 of elementary and secondary English learners in intervention
29 classes for English language arts and math that are not designed
30 for the learners’ language and academic needs.

31 (g) English language development classes aligned to the state
32 English Language Development standards are designed to give
33 access to core academic subjects while developing English
34 proficiency, and are part of the academic core for English learners.

35 (h) There are many options for addressing the issues of access
36 and course offerings for English Learners in middle and high
37 school.

38 (i) Graduation rates for English learners are lower than for the
39 general population and for other subgroups of students. According
40 to the State Department of Education, the overall 2013–14

1 *four-year cohort graduation was 81 percent, while the rate for*
2 *English learners was 65 percent, the lowest of any subgroup*
3 *besides students in special education. The dropout rate for English*
4 *learners, at 21 percent, was the highest of any subgroup.*

5 SEC. 2. Article 5.5 (commencing with Section 60080) is added
6 to Chapter 1 of Part 33 of Division 4 of Title 2 of the Education
7 Code, to read:

8
9 Article 5.5. English Learners

10
11 60080. Except for pupils participating in articulated newcomer
12 programs, a middle or high school pupil who is enrolled in an
13 English language development course or who is classified as an
14 English learner shall not be prevented from doing either of the
15 following:

16 (a) Enrolling in core curriculum courses in English language
17 arts or any other course required for graduation or to meet the
18 a-g subject requirements for admission to the University of
19 California or the California State University.

20 (b) Taking a full course load in core subjects required for
21 graduation or to meet the a-g subject requirements for admission
22 to the University of California or the California State University.

23 60081. If a local educational agency offers a course designed
24 for long-term English learners, the course shall confer credits in
25 English language arts necessary to meet graduation requirements.
26 It is the intent of the Legislature that local educational agencies
27 submit those courses to the University of California and California
28 State University for approval to meet the a-g subject requirements
29 for admission.

30 60082. (a) The English Language Arts/English Language
31 Development Framework adopted by the state board in 2014 states
32 that English learners at all English proficiency levels and at all
33 ages require both integrated English language development and
34 specialized attention to their particular language learning needs,
35 otherwise known as designated English language development, as
36 part of their daily curriculum.

37 (b) The following definitions shall apply to the English Language
38 Arts/English Language Development Framework referenced in
39 subdivision (a):

1 (1) “Designated English language development” means
2 instruction designed for English learners according to their level
3 of English proficiency to overcome language barriers in a
4 reasonable amount of time, during a protected time in the regular
5 schoolday, in which teachers use the California English Language
6 Development Standards as the focal standards in ways that build
7 into and from content instruction in order to develop the critical
8 language that English learners need for content learning in
9 English.

10 (2) “Integrated English language development” means
11 instruction in which all teachers with English learners in their
12 classrooms, regardless of the course content, use the California
13 English Language Development Standards in tandem with the
14 California state standards.

15 60083. (a) The department shall contract for the development
16 of a series of videos demonstrating best practices for implementing
17 designated and integrated English language development in
18 transitional kindergarten to grade 12, inclusive, and shall make
19 the series available on the department’s Internet Web site.

20 (b) In developing the video series, the department shall compile
21 program models that address the structuring of the school day to
22 allow for instruction in the full curriculum and in English language
23 development. The department shall include information on how
24 to implement these models in the series.

25 (c) In developing the video series, the department shall convene
26 a group of experts and request public comment.

27 (d) The video series shall be designed to assist local educational
28 agencies in providing instruction in designated English language
29 development and integrated English language development across
30 different content areas.

31 (e) By the beginning of the 2017–18 academic year, the video
32 series shall be completed and made available for voluntary use
33 by local educational agencies.

34 SEC. 3. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

39 ~~SECTION 1. Section 313 of the Education Code is amended~~
40 ~~to read:~~

1 ~~313. (a) Each school district that has one or more pupils who~~
2 ~~are English learners and, to the extent required by federal law,~~
3 ~~each county office of education and each charter school shall assess~~
4 ~~the English language development of each pupil in order to~~
5 ~~determine the level of proficiency for purposes of this chapter.~~

6 ~~(b) The department, with the approval of the state board, shall~~
7 ~~establish procedures for conducting the assessment required~~
8 ~~pursuant to subdivision (a) and for the reclassification of a pupil~~
9 ~~from English learner to English proficient.~~

10 ~~(c) Commencing with the 2000–01 school year until subdivision~~
11 ~~(d) is implemented, the assessment shall be conducted upon initial~~
12 ~~enrollment, and annually, thereafter, during a period of time~~
13 ~~determined by the Superintendent and the state board. The annual~~
14 ~~assessments shall continue until the pupil is redesignated as English~~
15 ~~proficient. The assessment shall primarily use the English language~~
16 ~~development test developed by the Superintendent pursuant to~~
17 ~~Chapter 7 (commencing with Section 60810) of Part 33 of Division~~
18 ~~4 of Title 2.~~

19 ~~(d) (1) This subdivision shall not be implemented unless and~~
20 ~~until the department receives written documentation from the~~
21 ~~United States Department of Education that federal law permits~~
22 ~~the implementation of the changes set forth in this subdivision or~~
23 ~~until the 2013–14 school year, whichever occurs later.~~

24 ~~(2) The assessment shall be conducted annually during a period~~
25 ~~that commences on the day upon which 55 percent of the~~
26 ~~instructional year is completed through July 1 of that calendar~~
27 ~~year. Annual assessments shall continue until the pupil is~~
28 ~~redesignated as English proficient. The annual assessment shall~~
29 ~~primarily use the English language development test developed~~
30 ~~by the Superintendent pursuant to Chapter 7 (commencing with~~
31 ~~Section 60810) of Part 33 of Division 4 of Title 2.~~

32 ~~(3) The assessment shall be conducted upon the initial~~
33 ~~enrollment of a pupil in order to provide information to be used~~
34 ~~to determine if the pupil is an English learner.~~

35 ~~(A) If the initial enrollment of a pupil occurs on a date outside~~
36 ~~of the testing period identified pursuant to paragraph (2), the prior~~
37 ~~year's annual assessment for the grade in which the pupil is~~
38 ~~enrolling shall be used for this purpose.~~

39 ~~(B) If the initial enrollment of a pupil occurs on a date within~~
40 ~~the testing period identified pursuant to paragraph (2), the initial~~

1 ~~assessment of the pupil shall be conducted as part of the annual~~
2 ~~assessment conducted pursuant to paragraph (2).~~

3 ~~(4) Notwithstanding paragraph (2), a school district shall assess~~
4 ~~the English language development of a pupil pursuant to this~~
5 ~~section no more than one time per school year.~~

6 ~~(e) The assessment conducted pursuant to subdivision (d) shall~~
7 ~~be conducted in a manner consistent with federal statutes and~~
8 ~~regulations.~~

9 ~~(f) The reclassification procedures developed by the department~~
10 ~~shall use multiple criteria in determining whether to reclassify a~~
11 ~~pupil as proficient in English, including, but not limited to, all of~~
12 ~~the following:~~

13 ~~(1) Assessment of language proficiency using an objective~~
14 ~~assessment instrument, including, but not necessarily limited to,~~
15 ~~the English language development test that is developed pursuant~~
16 ~~to Section 60810.~~

17 ~~(2) Teacher evaluation, including, but not necessarily limited~~
18 ~~to, a review of the pupil's curriculum mastery.~~

19 ~~(3) Parental opinion and consultation.~~

20 ~~(4) Comparison of the performance of the pupil in basic skills~~
21 ~~against an empirically established range of performance in basic~~
22 ~~skills based upon the performance of English proficient pupils of~~
23 ~~the same age, that demonstrates whether the pupil is sufficiently~~
24 ~~proficient in English to participate effectively in a curriculum~~
25 ~~designed for pupils of the same age whose native language is~~
26 ~~English.~~

27 ~~(g) This section does not preclude a school district or county~~
28 ~~office of education from testing English learners more than once~~
29 ~~in a school year if the school district or county office of education~~
30 ~~chooses to do so.~~